

# Appeal court upholds dismissal of negligence suit in Foss High shooting

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The state Court of Appeals has upheld the dismissal of a lawsuit brought against the Tacoma School District by the estate of a boy shot to death by a fellow student at Foss High School six years ago.

In a unanimous decision released Tuesday, the three-judge panel for Division II ruled Pierce County Superior Court Judge Linda Lee was right to throw out the lawsuit filed on behalf of the estate of Samnang Kok.

Kok was 17 in January 2007 when he was shot in the head by Douglas Chanthabouly in a school hallway before first bell.

Kok's estate argued that the school district should have known that Chanthabouly was dangerous because he suffers from schizophrenia.

The district was negligent by "enrolling an individual whom they knew or should have known had substantial mental illness and, as a result, extremely dangerous propensities," according to the lawsuit, which was filed in 2008.

But Lee in 2011 dismissed the case without a trial at the district's request, saying there was no way school officials could have known Chanthabouly would bring a gun to school one day and open fire.

Kok's estate appealed, but the appellate panel sided with the district.

Justices Jill Johanson, Thomas Bjorgen and Joel Penoyar said there was no evidence in Chanthabouly's medical history or school records to indicate he was violent.

"Moreover, the district did not have any information that Chanthabouly's diagnosis alone was an indication that he would be a danger to others if placed in the general education population," Penoyar wrote for the majority.

The justices also dismissed contentions that Lee should have taken herself off the case because her husband's law firm has performed work for the school district.

There is no indication Lee or her husband had anything to gain from the outcome of the case nor evidence the judge ruled one way or the other because of her husband's connections, the panel said.

Chanthabouly, who was 18 at the time of the shooting, was convicted of second-degree murder in Kok's death and is serving a 23-year prison sentence.

Read more here: <http://www.thenewstribune.com/2013/10/22/2850416/appeal-court-upholds-dismissal.html#storylink=cpy>